

### **REMARKS**

The following remarks are responsive to the Non-Final Office Action mailed April 29, 2010 ("Action"). Reconsideration and allowance are respectfully requested for at least the following reasons.

#### **Claim Rejections Under 35 U.S.C. § 102**

Claims 73-92 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bhagavath et al. (US 6,829,781).

Applicants respectfully traverse.

##### **A. Comments on claims 73, 80, 87, and 90**

Claim 73 is drawn to a method comprising

“determining that a user terminal has remained tuned to the program for a predetermined threshold amount of time;

generating and communicating a request to the program provider to retrieve a copy of a portion of the program in response to the predetermined threshold amount of time being exceeded.”

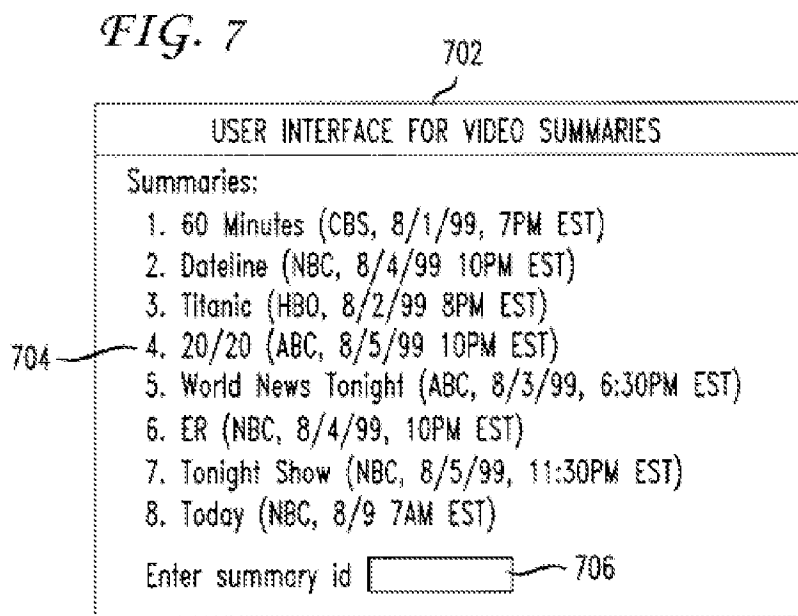
To reject the claimed determining, the Action asserts:

Determining that a user terminal has remained tuned to the program for a predetermined threshold amount of time (col.4, lines 40-col.5, line 1+, col.6, line 60-col.7, line 1+, col.8, line 28-col.9, line 1+ col. 10, line 15-col.11, line 1+);

These citations to Bhagavath, however, fail to discuss requesting a copy of portion of a program in response to determining that a user terminal has remained tuned to a program for a predetermined threshold amount of time. Bhagavath relates to a network-based device (e.g., a set top box) allowing customers to receive video or audio summaries of television programming. *See* Bhagavath, Abstract. Bhagavath indicates that the summaries can be video summaries (e.g., snapshots or full motion images) that summarize a portion of a television program. *Id.* at FIG. 7, C4, L1-11; C6, L8-27.

Bhagavath, however, does not disclose that the video summaries are requested in response to determining that the network-based device has remained tuned to a program for a predetermined threshold amount of time. Instead, Bhagavath states that the summaries “may be generated dynamically by a recipient viewer’s request or recalled from a central repository of

summary at user request.” See Bhagavath, C3, L49-51. FIG. 7 of Bhagavath, reproduced below, shows a user interface permitting a user to request a summary.



Thus, Bhagavath permits a user to initiate a request for a video summary. The cited lines of Bhagavath therefore do not discuss time thresholds, and particularly do not discuss that the video summaries are requested in response to determining that the network-based device has remained tuned to a program for a predetermined threshold amount of time. Applicants note that Bhagavath also discusses transmission of an entire program to a set top box (*see* Bhagavath, C10, L15-20), but does not disclose or suggest that the set top box generated the request for the entire program in response to determining that the set top box had remained tuned to the program for a predetermined threshold amount of time. Thus, the requesting of video summaries Bhagavath differs from the method of claim 1. As such, Applicants submit that the rejection of claim 73 is improper and request withdrawal of the rejection under 35 U.S.C. § 102(e). Accordingly, claim 73 is believed to be in condition for allowance.

Independent claims 80, 87, and 90 are allowable at least for reasons analogous to those given in support of claim 73.

The pending claims that respectively depend on the independent claims are allowable at least due to their dependence on an allowable claim.

B. Comments on claims 74 and 81

Claim 74 is drawn to the “method of claim 73, wherein the user terminal generates a prompt requesting approval prior to generating the request.” To reject these claim features, the Action asserts:

As to claim 74, Bhagavath further discloses where the user terminal generates a prompt requesting approval prior to generating the request (col.8, line 28-col.9, line1+).

*See* Action, p. 4. Applicants disagree that the cited lines support the rejection.

The cited lines of Bhagavath do not disclose or suggest generating a prompt requesting approval prior to generating a request to retrieve a copy of a portion of a program in response to a predetermined threshold amount of time being exceeded. The cited lines of Bhagavath refer to a user providing a command to change a channel or to view a screen menu of available program summaries. The cited lines, however, do not describe generating a prompt requesting approval prior to generating a request to retrieve a copy of a portion of the program in response to the predetermined threshold amount of time being exceeded, or anything analogous to the features of claim 74. As such, Applicants submit that the rejection of claim 74 under 35 U.S.C. § 102(e) is improper and request its withdrawal. Accordingly, claim 74 is believed to be in condition for allowance.

Claim 81 is allowable at least for reasons analogous to those given in support of claim 74.

Applicants respectfully submit that the pending claims are in condition for allowance. Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,  
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